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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JUSTIN HOLMBY and RUBEN SILVA on behalf of themselves and all others similarly situated.

) CASE NO. 15-cv-03382-RS

) **CLASS ACTION**

) **JOINT NOTICE OF TENTATIVE
SETTLEMENT AND JOINT REQUEST
TO VACATE EXISTING DATES ;
[PROPOSED] ORDER**

CARDINAL LOGISTICS MANAGEMENT CORPORATION.

Defendant

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1 **TO THE HONORABLE COURT AND CLERK OF THE COURT:**

2 Plaintiffs, JUSTIN HOLMBY and RUBEN SILVA (hereinafter “Plaintiffs”), on behalf of
3 themselves and all others similarly situated, and Defendant CARDINAL LOGISTICS
4 MANAGEMENT CORPORATION (“Defendant”), by and through their respective attorneys of
5 record, hereby recite and stipulate as follows:

6 **RECITALS**

7 **WHEREAS**, the Parties participated in a mediation for two days on February 26, 2016 with
8 mediator Michael Dickstein;

9 **WHEREAS**, following protracted negotiations the parties have reached a tentative
10 settlement of the within action;

11 **WHEREAS**, at the conclusion of the mediation a Memorandum of Understanding (“MOU”),
12 memorializing and reflecting the terms of the agreement was agreed.

13 **WHEREAS**, defendant, its attorneys of record and counsel on behalf of plaintiffs have fully
14 executed a binding settlement as a Memorandum of Understanding on February 29, 2016 (“MOU”)
15 as described.

16 **WHEREAS**, the Parties acknowledge and agree and commit to work in a good faith effort to
17 reach a final settlement agreement regarding any additional terms within thirty (30) days after
18 execution of the MOU.

19 **WHEREAS**, plaintiffs intend to file a motion for preliminary approval of the class action
20 settlement on or before April 29, 2016.

21 **WHEREAS**, judicial economy would be served by vacating the existing dates, including a
22 CMC currently scheduled for April 7, 2016, at 10 a.m., with the Court setting future dates as it feels
23 are necessary.

24 **STIPULATION AND REQUEST**

25 **NOW THEREFORE**, the parties hereby stipulate and respectfully propose as follows:

- 26 1. That the Court vacate the Case Management Conference set for April 7, 2016, with the
27 Court setting future dates as it feels are necessary.

2. That the Parties be accorded until April 29, 2016 to file the Motion for Preliminary Approval of Class Action Settlement.

SO REQUESTED AND STIPULATED:

DATED: March 18, 2016

**MARLIN & SALTZMAN, LLP
TOWER LEGAL GROUP, PC**

By: /s/ Christina A. Humphrey
Christina A. Humphrey, Esq.
James A. Clark, Esq.
Attorneys for Plaintiffs

DATED: March 18, 2016

THE TURLEY LAW FIRM, A PLC

By: /s/ Dave Mara

William Turley, Esq.
David Mara, Esq.
Attorneys for Plaintiffs

DATED: March 18, 2016

CROWELL & MORING LLP

By: /s/ Thomas P. Gies

Thomas P. Gies, Esq.
Attorney for Defendants

DATED: March 18, 2016

THEODORA ORINGHER PC

By: /s/ Drew R. Hansen

Drew R. Hansen, Esq.
Attorney for Defendants

SIGNATURE ATTESTATION

In accordance with Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from the signatories on this e-filed document.

DATED: March 18, 2016

By: /s/ Christina A. Humphrey

Christina A. Humphrey, Esq.

1 **[PROPOSED] ORDER**
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2 PURSUANT TO THE STIPULATION OF THE PARTIES, and finding good cause therein,
3 IT IS ORDERED that:

- 4 1. The Case Management Conference set for April 7, 2016 is now vacated along with any
5 deadlines associated with said date. The Court will set any future dates as is deemed
6 necessary.
7 2. The deadline for Plaintiff to file the Motion for Preliminary Approval of Class Action
8 Settlement is set for April 29, 2016, based on the agreed to terms of the Memorandum of
9 Understanding executed by the parties.

10 DATED: 3/21/16



11 HON. ~~YVONNE GONZALEZ ROGERS~~ RICHARD SEEBOORG
12 UNITED STATES COURT JUDGE
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